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DOC #:  
DATE FILED: 4/28/14

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JUAN PENA,

Plaintiff,

-against-

AMERICAN CHRISTMAS, INC. and  
FREDERIC L. SCHWAM, Individually,

Defendants.  
-----X

Docket No.: CV-13-7046

(JPO) (RLE)

**STIPULATION OF DISMISSAL  
WITH PREJUDICE**


IT IS HEREBY STIPULATED, AGREED AND CONSENTED TO, by and between the undersigned, the attorneys of record in the above-captioned action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the above-captioned action, that this action and any and all claims, cross-claims, counter-claims and any and all claims that were or could have been asserted by, between and against any of the parties herein, be, and the same hereby are, dismissed in their entirety **with prejudice**, without costs to any party, as against the other.

IT IS HEREBY FURTHER STIPULATED, AGREED AND CONSENTED TO THAT this stipulation may be executed in any number of counterparts, all of which counterparts, taken together, shall constitute one and the same instrument;


IT IS HEREBY FURTHER STIPULATED, AGREED AND CONSENTED TO THAT facsimile signatures to this stipulation may be treated as original signatures; and

IT IS HEREBY FURTHER STIPULATED, AGREED AND CONSENTED TO that this Stipulation may be submitted to the Court without further notice to any party.

Dated: Woodbury, New York  
February 26, 2014



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Our File No. 420-10078

SO ORDERED:



U.S.D.J.

4-28-14